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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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DAVID ZAMORA and GUMECINDO  
ZAMORA,

Plaintiffs,

v.

DOUGLAS QUEZADA,

Defendant.

MEMORANDUM DECISION AND  
ORDER

Case No. 2:22-cv-00616-DBB-DBP

District Judge David B. Barlow

Chief Magistrate Judge Dustin B. Pead

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Plaintiffs David Zamora and Gumecindo Zamora move the court for leave to file a first Amended Complaint.<sup>1</sup> Plaintiffs seek leave based on newly discovered information and recent developments in this case. To date there has been no response filed to Plaintiffs' motion and the time to do so has passed.<sup>2</sup>

Under Rule 15(a)(2) the "court should freely give leave [to amend] when justice so requires."<sup>3</sup> "In the absence of any apparent or declared reason—such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc.—the leave sought should, as the rules require, be 'freely given.'"<sup>4</sup>

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<sup>1</sup> ECF No. 30.

<sup>2</sup> DUCivR 7-1(a)(4)(D).

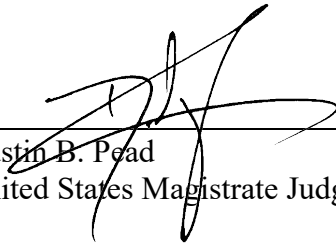
<sup>3</sup> Fed. R. Civ. P. 15(a)(2).

<sup>4</sup> *Foman v. Davis*, 371 U.S. 178, 182, 83 S. Ct. 227, 230 (1962).

Here, Defendant has not filed a response<sup>5</sup> and the court finds leave should be freely given to allow Plaintiffs to have their claims adjudicated. Accordingly, the court GRANTS Plaintiffs' motion.

IT IS SO ORDERED.

DATED this 30 October 2023.



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Dustin B. Pead  
United States Magistrate Judge

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<sup>5</sup> DUCivR 7-1(f) ("Except as provided in DUCivR 56-1(f), failure to respond timely to a motion may result in the court granting the motion without further notice.").